

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1257**

**Introduced by Assembly Member Koretz**

February 21, 2003

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An act to add Section 17995.6 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1257, as amended, Koretz. Housing: ~~violations~~ standards: enforcement.

*The existing State Housing Law and other provisions of law establish building and fire safety standards, provisions for their enforcement, and civil and criminal penalties for violations.*

*This bill would specify that in criminal prosecutions involving housing, building, or fire code violations, the people have the burden of proof of the violation and the defendant has the burden of proving any defense or mitigating circumstance.*

~~The existing State Housing Law generally regulates buildings used for human habitation, and prescribes penalties for violations.~~

~~This bill would declare the intent of the Legislature to enact legislation to clarify the right of a defendant to assert a defense in any prosecution or other criminal or quasi-criminal proceeding for any violation of that law.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature to enact  
2     legislation to clarify the right of a defendant to assert a defense in  
3     ~~any prosecution or other criminal or quasi-criminal proceeding for~~  
4     *any criminal prosecution* for any violation of the State Housing  
5     ~~law~~ Law, Part 1.5 (commencing with Section 17910) of Division  
6     13 of the Health and Safety Code *or other housing, buildings, or*  
7     *fire code violations.*

8     SEC. 2. *Section 17995.6 is added to the Health and Safety*  
9     *Code, to read:*

10    17995.6. *In any criminal prosecution under a statute or*  
11    *ordinance involving a housing, building, or fire code violation, the*  
12    *burden of proof of the violation shall be on the people and the*  
13    *burden of proof of any defense or mitigating circumstances shall*  
14    *be on the defendant.*

